

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

LEVON MATINYAN

21 CR 771 (AKH)

Defendant.

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Upon the application of the United States of America, by Cecilia Vogel, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of LEVON MATINYAN, (“the defendant”) and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Israel.
3. The defendant arrived and applied for admission to the United States, on or about November 2, 2021, at the San Ysidro Port of Entry in California.
4. On November 17, 2021, the defendant was paroled to the custody of the FBI pending criminal prosecution.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, under Count One of the Indictment, which charges the defendant with conspiracy to smuggle aliens, in violation of Title 8 United States Code Section 1324(a)(1)(A)(v)(I).

6. The maximum sentence for this violation is five years' imprisonment.

7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act of 1952 ("INA"), as amended, 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime; (2) Section 212(a)(6)(E)(i) of the INA, 8 U.S.C. § 1182(a)(6)(E)(i), as an alien who at any time knowingly has encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter the United States in violation of law; and (3) Section 212(a)(6)(A)(i) of the INA, 8 U.S.C. § 1182(a)(6)(A)(i), as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place than as designated by the Attorney General.

8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).


9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

10. The defendant has designated Israel as the destination for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Israel.

Dated: New York, New York

 , 2022


THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE